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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,173	04/16/2004	Koichi Miyachi	12480-000037/US	9064

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EXAMINER	
MA, CALVIN	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
09/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/825,173	MIYACHI ET AL.	
	Examiner	Art Unit	
	CALVIN C. MA	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-130* is/are pending in the application.

4a) Of the above claim(s) *5-14, 17-20, 25-30, 39-59, 77-130* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 33-38, 63- 67, 68-72 and 73-76* is/are rejected.

7)☐ Claim(s) *4, 15-16, 21-24, 31-32 and 60-62* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of the Species A, claims 1-4, 15-16, 21-24, 31-38, 50-76, 96-102, 104-110, 112-130 in the reply filed on 04/16/2008 is acknowledged. However, claims 96-102, 104-110, and 112-130 are further withdrawn from consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Species B and H.

Claim Rejections - 35 USC § 101

1. Claims 69-71, 74-76, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 69 and 74, refers to computer program which are directed to computer software which are nonstatutory matter. Claims 70 and 75, cite a computer signal which can be interpreted as electro magnetic radiation, which is also none statutory. Claims 71 and 76, refers computer readable medium which in the specification paragraph [0396-0397] specifies computer communication network which can also be wireless transmission via electromagnetic energy medium which is none statutory matter.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 33-38, 63-67, 69-72 and 74-76 are rejected under 35 U.S.C. 102(b) as being anticipated by Winkelman USP 5748802.

As to claim 1, Winkelman discloses a color display device (i.e. monitor 4) that determines a relationship between plural color components (i.e. RGB signals) of an input color image signal in terms of gradation levels of the plural color components of an input color image signal (i.e. the gradation level of the R G B signal is corrected base on histogram calculation), and that carries out calculation based on the relationship for each of the plural color components excluding a components with a relatively smallest gradation level (i.e. the components of the color components which is corrected and therefore removed from the signal calculation), using variable varying depending on the respective gradation levels of the plural color components (i.e. the color components is corrected based on the relationship of the gradation level where a part of the gradation components is removed during the correction process) (see Fig. 1, Fig. 5, Col. 7, Lines 34-50, Col. 12, Lines 21-45).

As to claim 2, Winkelman teaches a color display device that determines a relationship between three color components of an input color image signal (i.e. Figure 2, 14 RGB signal in device specific color space) in terms of gradation level of the three color components of an input color image signal, and that carries out a different calculation for each input color image signal depending on which of six patterns of the

relationship that the input color image signal belongs to (i.e. since the input RGB signal is converted into CIE XYZ patterns there exists at least six patterns in relation with R G B color translation into XYZ coordinates) (see Fig. 2), the calculation being performed for each of the three color components excluding a components with a relatively smallest gradation level, using variable varying depending on the respective gradation levels of the three color components (i.e. since the signal is processes in terms of histogram where part of the signal is removed thereby varying the respective gradation of the R G B signal) (see Fig. 2, 3, and 5, Col. 8, Lines 39-60)

As to claim 3, Winkelman teaches the color display device as set forth in claim 1, wherein:

the variables are determined so that gradation levels of the input color images signal after color compensation fall within a range of a color model that expresses the gradation levels of the image signal before and after color compensation in terms of distributions of hue, luminance, and saturation (i.e. the image processing based on the histogram is results in computation using variables that allow the gradation level of the input signal to fit into a correct range in terms of luminance, hue, and CHROMA) (see Fig. 3, Col. 8, Lines 39 - Col. 9, Lines 47).

As to claims 33, 35, 37, 63, and 66 see discussion of claim 1 above, claim 33, 35, and 37 are analyzed to be broader in scope then claim 1, and are therefore rejected on the same ground.

As to claim 34, 36, 38, 65, and 72, see discussion of claim 2 above, claim 34, 36, and 38 are analyzed to be broader in scope then claim 2, and are therefore rejected on the same ground.

As to claims 64 and 67, see discussion of claim 3 above, claim 64 is analyzed to be broader in scope than claim 3, and is therefore rejected on the same ground.

As to claims 69 and 74, Winkelman teaches a program adapted to cause a computer to execute the method of claim 66 (i.e. the image processing unit 8 is clear a part of a computing system, this mean that a program is need to allow the implementation of the correction mechanism) (see Fig. 1, Col. 7, Lines 35-67).

As to claims 70 and 75, Winkelman teaches a computer signal comprising the program of claim 69 (i.e. the image processing unit 8 is clear a part of a computing system, this mean that computer signal for executing a program is need to allow the implementation of the correction mechanism) (see Fig. 1, Col. 7, Lines 35-67).

As to claims 71 and 76, Winkelman teaches a computer readable medium, comprising the program of claim 69 (i.e. since computer program requires computer readable medium to store the LUT for the algorithm) (see Fig. 1, Col. 7, Lines 35-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 68 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winkelman in view of Yamashita et al USP 6101271.

As to claim 68, 73, Winkelman teaches the method of 66, but does not explicitly teach wherein the color display method is for a television receiver (i.e. Winkelman only cite a video source as image input). Yamashita teaches color display method is for a television receiver (i.e. NTSC format television) (see Fig. 1, Col. 4, Lines 65-67)

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have applied television signal of Yamashita to the input of Winkelman in order to expand the function of image correction function to television signal (see Yamashita Col. 1, Lines 20-25).

Allowable Subject Matter

6. Claims 4, 15-16, 21-24, 31-32 and 60-62 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CALVIN C. MA whose telephone number is (571)270-1713. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on 571-272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 29, 2008
Calvin Ma

/Chanh Nguyen/
Supervisory Patent Examiner, Art Unit 2629